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04/15/2009

AMENDMENT UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP 2445
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Kazuhiro HAYASHI, et al.

Appln. No.: 10/017,394

Confirmation No.: 6473

Filed: December 18, 2001

Docket No: Q67780

Group Art Unit: 2445

Examiner: Jeffrey R. SWEARINGEN

For: SERVER, SERVER PROCESSING METHOD, TERMINAL, TERMINAL PROCESSING
      METHOD, INFORMATION PROCESSING SYSTEM, AND INFORMATION RECORD
      MEDIUM

AMENDMENT UNDER 37 C.F.R. § 1.116

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

    In response to the Office Action dated November 10, 2008, please amend the above-

identified Application as follows on the accompanying pages.

TABLE OF CONTENTS

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1-28. (canceled).

29.   (currently amended): A system for storing and playing music, comprising:

a server apparatus comprising

a storage section which stores data of pieces of music that a user possesses, and is adapted to store a number of plays of each of said pieces of music,

a reproducing section which ~~reproduces~~ plays back said data of pieces of music,

a transfer section that transfers the data; and

a portable terminal adapted to ~~reproduce~~ play back pieces of music while disconnected from the server apparatus, the portable terminal capable of being carried for ~~reproducing~~ playing back said data of pieces of music by a user, comprising

an interface that receives the data transferred from the transfer section,

a terminal-side storage section that stores data received through the interface, and

an updating section that updates a number of plays of each piece of music that is played back ~~reproduced~~, each time said ~~reproducing~~ playing back is completed at the portable terminal, and that stores the updated number of plays of each of said pieces of music in the terminal-side storage section;

wherein, if the portable terminal is connected to the server apparatus through the interface, the updated number of plays of each of said pieces of music stored in the terminal-side

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storage section are sent to the server apparatus, and the server apparatus updates the number of

plays of each of said pieces of music stored in the storage section in accordance with the updated

number of plays of each of said pieces of music stored in the terminal-side storage section.

     30.   (currently amended): An information processing method by using a server

apparatus having a storage section capable of storing a number of plays of pieces of music that a

user possesses so as to update a number of plays of pieces of music stored in the server apparatus

in accordance with a number of plays of pieces of music stored in the portable terminal, the

method comprising:

     transferring data of said pieces of music that a user possesses from the server apparatus to

the portable terminal;

     ~~reproducing~~ playing back the data in a reproducing section of the portable terminal when

the portable terminal is not connected to the server apparatus, the portable terminal capable of

being carried for ~~reproducing~~ playing back said data of pieces of music by a user;

     updating a number of plays of each piece of music stored in the portable terminal that is

played back ~~reproduced~~, each time said ~~reproducing~~ playing back is completed at the portable

terminal;

     storing in the terminal-side storage section the updated number of plays of pieces of

music;

     sending the number of plays of pieces of music stored in the terminal-side storage section

to the server apparatus when the portable terminal is connected to the server apparatus; and

updating a number of plays of pieces of music stored in the server apparatus in

accordance with the number of plays of pieces of music sent from the terminal-side storage

section.

31.   (currently amended): A portable terminal for holding data of pieces of music

transferred from a server apparatus having a storage section storing the data of pieces of music

that a user possesses, said portable terminal comprising:

an interface that connects to the server apparatus and that receives the data transferred

from the server apparatus;

a terminal-side storage section that stores the data transferred from the server apparatus

when the portable terminal is connected to the server apparatus through the interface;

a reproducing section that ~~reproduces~~ plays back the data while the portable terminal is

not connected to the server apparatus, the portable terminal being capable of being carried for

~~reproducing~~ playing back said data of pieces of music by a user; and

an updating section that updates a number of plays of each piece of music that is played

back ~~reproduced~~, each time said ~~reproducing~~ playing back is completed at the portable terminal,

and that stores the updated number of plays of each of said pieces of music in the terminal-side

storage section;

wherein, if the portable terminal is connected to the server apparatus through the

interface, the updated number of plays of each of said pieces of music stored in the terminal-side

storage section are sent to the server apparatus.

REMARKS

Status of Application

Claims 29-31 constitute all currently pending claims in the present application. Claims

29-31 are amended.

Claim Rejections Under 35 U.S.C. § 102

Claims 29-31 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by

U.S. Patent No. 6,572,381 to Tsai ("Tsai"). Applicant traverses this rejection for at least the

following reasons.

Applicant's representatives conducted an interview with the Examiner on February 9,

2009, during which Applicant's representatives discussed potential amendments which could

overcome the Tsai reference. The Examiner agreed that if the term "reproduce" were

consistently replaced with "play back" in the claims, then Tsai would not teach "updating a

number of plays of each piece of music stored in the portable terminal that is played back, each

time said playing back is completed at the portable terminal" as recited in claim 30, and similarly

recited in claims 29 and 31. Accordingly, Applicant amends claims 29-31 in the manner

described above, and respectfully requests that the rejection be withdrawn.

Tsai also fails to anticipate claims 29-31 for the following additional reasons.

Independent claims 29-31 each recited a portable terminal adapted to play back pieces of

music *while disconnected from the server apparatus.*

Tsai does not disclose this feature. The terminal of Tsai is situated indoors, and is

therefore able to be used as an online karaoke machine only when the terminal is connected to

the host computer. In contrast, the terminal of the present invention is a portable terminal which

is able to play back music <u>while the terminal is not connected to the server</u>. The portable

terminal is only connected to the server when necessary.

Thus, when the terminal is not connected to the server, managing a count of plays of

pieces of music is much more complex than in a system continuously connected to a server. The

portable terminal of the present invention must have this capability, because it is able to play

back music while the terminal is not connected to the server. However, Tsai does not appear to

disclose or suggest this capability.

Thus, Tsai fails to disclose each and every required element of claims 29-31 and,

therefore, fails to anticipate claims 29-31. Accordingly, Applicant respectfully requests that the

rejection be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

This Amendment is being filed via the USPTO Electronic Filing System (EFS).

Applicant herewith petition the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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